IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1673 OF 2005

Sarva Shramik Sanngh ... Petitioner

V/s.

Indian Oil Corporation Ltd. & Anr. ... Respondent

Ms. Hutoxi Tavadia i/b. Mahesh Thorat for the petitioner.

Mr. N. Engineer i/b. RMG Law Associates for respondent No. 2.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 19th August, 2006

P.C.

. The petitioner has approached this Court to challenge the decision of the appropriate Government rejecting reference in dispute raised by the petitioners herein. It is contention of the petitioners that respondent No. 1 had introduced sham and bogus contractors and in-fact petitioners are direct employees of the respondent No.1. On the basis of that, Conciliation proceedings were initiated and failure report is sent to the appropriate Government. The appropriate Government has refused to make reference. The respondents have filed their reply.

2. It is clear that the petitioners herein had earlier filed a petition being petition No. 1267 of 1999. In that petition, the relief prayed by them was the direction to the appropriate Government to investigate the matter and abolish the contract labour system. That petition came to be dismissed on 11th November, 2003. No steps have been taken to recall that order or challenge that order before the Supreme Court.

3. In these circumstances, it was not open to the petitioners after 2003 to take stand that the contract is not genuine, but sham. In our opinion, the petitioner is now estopped, more so, after approaching this Court, seeking a relief of abolition of contract labour in the establishment of respondent No.1. Considering the above, in our opinion, the order of the appropriate Government does not suffer from any arbitrariness or illegality. This Court has also borne in mind, what the Supreme Court has held in para 6 of the case in **M/s. Avon Services Production Agencies (P) Ltd. V/s. Industrial Tribunal Haryana and others, (1979) 1 Supreme Court Cases 1.** Considering the above, no case is made out for any

interference.

4. The petition is disposed of.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]